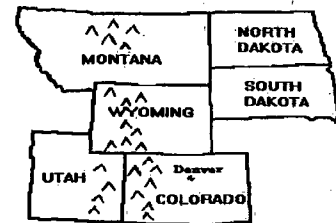




REGION VIII
OPA ENFORCEMENT PROGRAM
CASE CLOSURE



Docket #: CWA-9-2003-0009

SPCC #: S01033

Facility/Site Name: Highway Maintenance Office and Shop
1224 West 5th Ave.

Location: Mitchell, SD

Owner/Operator: Davison County
1224 West 5th Ave.

O/O Address: Mitchell, SD 57301

Violation(s): Section 311(j)

Actions Taken:

308 Issued _____

NOV Issued _____

APO Issued 10/21/02

DOJ Referral _____

Reasons for Closing Case:

APO Filed 11/22/02 Penalty Collected \$2,400.00

Referral Concluded _____ Penalty Collected \$_____

Return to Compliance 4/30/03

No Violation _____

Other SPCC Plan Corrected

305
close-out
Tracking rmm
RTC 4/30/03

OPA Compliance Specialist

Date: _____

File Location: OPA Enforcement Files 480A

(b) (5)

HE

[REDACTED]

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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

NOV 22 2002

Ref: 8ENF-T

CERTIFIED MAIL - 7002 0860 0005 3834 6466 - RETURN RECEIPT REQUESTED

U.S. Coast Guard
Civil Penalties
P.O. Box 100160
Atlanta, GA 30384

Enclosed please find the check for \$2,400.00 from Davison County for SPCC violations. The check is made out to the Oil Spill Liability Trust Fund for the payment of the penalty associated with docket number CWA-08-2003-09 for deposit in the OSLTF. A copy of the Final Order has been sent to the U.S. Coast Guard Finance Center.

If you have any questions regarding this matter, please call Margaret Moomey at (303)312-6502.

Sincerely,

(b) (6)

Connally Mears, Director
Technical Enforcement Program

Enclosure

cc: Tina Artemis, 8RC

Allen C. Miller, Davison County Coordinator



Printed on Recycled Paper

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL USE	
Postage \$	NOV 22 2002 Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To 45 Coast Guard - Civil Penalties Street, Apt. No., or PO Box No. P.O. Box 100160 City, State, ZIP+4 Atlanta, GA 30384	
PS Form 3800, April 2002 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X Bank of America <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Coast Guard Civil Penalties Po Box 100160 Atlanta, GA 30384 NOV 22 2002		B. Received by (Printed Name) C. Date of Delivery 11/26/02	
2. Article Number (Transfer from service label) 7		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, August 2001		Domestic Return Receipt	

102595-01-M-2509



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(b) (5)

[REDACTED]



County
Coordination

Davison County
Office of County Coordination
1015 South Miller
Mitchell, SD 57301

Allan Miller, Coordinator
Office Phone: 605-995-8640
Office Fax: 605-995-8643
E-Mail: coordination@davisoncounty.org

Monday, April 28, 2003

Jane Nakad
Technical Enforcement Program (8ENF-T)
USEPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Dear Jane,

Per your secretary's request, I have included final site pictures of the Davison County Highway Complex located at 1224 West 5th Street, Mitchell, SD. As stated in previous correspondence, the tank and fuel dispersing operation were permanently closed and have now been permanently removed. If you need additional information, please contact me.

Sincerely,



Allan C Miller
County Coordinator

Encl. 1

CC: Doug Miller, SD DENR

RECEIVED

APR 30 2003

Office of Enforcement
Compliance & Environmental
Justice

**Davison County Highway Complex
1224 West 5th Street
Mitchell, SD 57301**

Final AST Removal – Site Pictures

(Facing West)



**Davison County Highway Complex
1224 West 5th Street
Mitchell, SD 57301**

Final AST Removal – Site Pictures

(Facing West)



**Davison County Highway Complex
1224 West 5th Street
Mitchell, SD 57301**

Final AST Removal – Site Pictures

(Facing South)



**Davison County Highway Complex
1224 West 5th Street
Mitchell, SD 57301**

Final AST Removal – Site Pictures

Final Pictures of AST site – Removal: 4/28/2003

(Facing South)

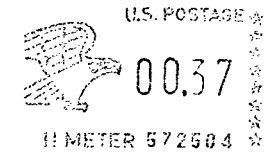
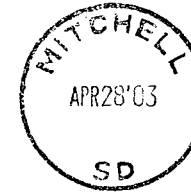


Davison County

Office of County Coordination

1015 South Miller

Mitchell, SD 57301



Jane Nakad
Technical Enforcement Program (8ENF-T)
USEPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

80202+2403 33



RECORD OF COMMUNICATION		<input type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY)			
		(Record of item checked above)			
TO: <i>Davison County Office</i> <i>of County Coordination</i> <i>501033</i>		FROM: <i>M. Mooney</i>		DATE: <i>4/21/03</i>	
				TIME: <i>1:00</i>	
SUBJECT: <i>Allen Miller 605 995-8640</i>					
SUMMARY OF COMMUNICATION <i>he will call back</i>					
<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 60%;"> <i>close? yes</i> <i>ASTs permanently closed</i> <i>Call reference signs</i> </div>					
CONCLUSIONS, ACTION TAKEN OR REQUIRED					
INFORMATION COPIES TO:					

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Davison County
Office of County Coordination
1015 South Miller
Mitchell, SD 57301

Allan Miller, Coordinator
Office Phone: 605-995-8640
Office Fax: 605-995-8643
E-Mail: coordination@davisoncounty.org

Thursday, December 19, 2002

Jane Nakad
Technical Enforcement Program (8ENF-T)
USEPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

RECEIVED
DEC 23 2002
Office of Enforcement
Compliance & Environmental
Justice

Dear Jane,

Per your instructions, enclosed are pictures of Davison County's AST's which have been "permanently closed" pursuant to the Definitions in Section 112.2. If you have any questions or require any additional information, please contact me.

Sincerely,



Allan C Miller
County Coordinator

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Davison County Highway Complex
1224 West 5th
Mitchell, SD 57301

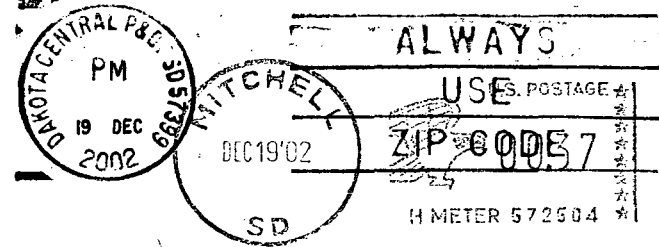
Pumps and pump-house removed 12/11/2002. Lines Blown out and capped. Valves closed. Tank liquid and sludge removed.



Davison County Highway Complex
1224 West 5th
Mitchell, SD 57301



Davison County
Office of County Coordination
1015 South Miller
Mitchell, SD 57301



Jane Nakad
Technical Enforcement Program (8ENF-T)
USEPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

80202+2499 33



Davison County
Office of County Coordination
1015 South Miller
Mitchell, SD 57301

Allan Miller, Coordinator
Office Phone: 605-995-8640
Office Fax: 605-995-8643
E-Mail: coordination@davisoncounty.org

Tuesday, November 19, 2002

Jane Nakad
Technical Enforcement Program (8ENF-T)
USEPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Dear Jane,

Enclosed is a signed "Expedited Consent Agreement" and a Cashier's Check in the amount of \$2,400.00 made payable to the Oil Spill Liability Trust Fund.

On November 19th, 2002, in regular session, the Davison County Board of Commissioners approved the signing of the enclosed document and also approved the decommissioning of the fuel storage and distribution point at the Davison County Highway Complex located at 1224 West 5th Street, in Mitchell, SD.

As I stated to Margaret from your office, we will be in the process of completing the task of decommissioning this facility within the next 30 days and will provide you with the pictures that Margaret mentioned. I will also be in contact with the State of SD concerning the removal of the facilities.

If there are any other requirements that need to be addressed or any other information that you need, please contact me.

Sincerely,



Allan C Miller
Davison County Coordinator

Encl. 2

RECEIVED

NOV 20 2002

Office of Enforcement
Compliance & Environmental
Justice

WELLS FARGO BANK WEST, N.A.
PAYABLE IF DESIRED AT
WELLS FARGO BANK SOUTH DAKOTA, N.A.

Cashier's Check

8726298

LOCATION ID 00293

Remitter DAVISON COUNTY

23-7/1020

Date NOVEMBER 19, 2002

Pay TWO THOUSAND FOUR HUNDRED DOLLARS AND 00 CENTS

\$ *****2,400.00

To the
Order of * OIL SPILL LIABILITY TRUST FUND

CHK 70223 SD

TWO SIGNATURES REQUIRED IF OVER \$100,000.00

(b) (6)

AUTHORIZED SIGNATURE

⑈8726298⑈ ⑆102000076⑆ 1015286863⑈

CWA-08-2003-0009



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET - SUITE 300

DENVER, CO 80202-2466

<http://www.epa.gov/region08>

02 NOV 21 AM 11:33

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2003-0009

IN THE MATTER OF:

DAVISON COUNTY OFFICE**Respondent**

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby ORDERED to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

November 21, 2002
DATE

DATE _____

(b) (6)

Alfred C. Smith
Regional Judicial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

02 NOV 21 AM 11:33

DOCKET NO., CWA-08-2003-0009

FILED
EPA REGION VIII
HEARING CLERK

In the Matter of:

Davison County Office

Respondent.

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EXPEDITED CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, Davison County Office, by their undersigned representatives, hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasures (SPCC) Plan regulations found during an inspection on September 19, 2001, and agree as follows:

The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of EPA to assess administrative penalties against any person who violates the oil pollution prevention (SPCC) regulations, promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j). This authority has been properly delegated to the undersigned EPA official.

Respondent owns and/or operates the Davison County Highway Department's highway maintenance office, shop, and fueling facility located at 1224 West 5th Avenue, Mitchell, South Dakota.

Respondent admits its facility is subject to the SPCC regulations.

Respondent agrees to correct the items cited on the attached List of SPCC Violations within thirty (30) days unless an extension for achieving compliance is granted by EPA at its discretion.

Respondent admits that EPA has jurisdiction in this proceeding.

RECEIVED

NOV 20 2002

Office of Enforcement
Compliance & Environmental
Justice

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

Respondent consents and agrees to the assessment of a civil penalty of \$2,400.00, which shall be paid by sending, via certified mail, a cashier's or certified check for that amount, payable to "Oil Spill Liability Trust Fund" along with a signed copy of this Agreement, to:

Jane Nakad
Technical Enforcement Program (8ENF-T)
USEPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this agreement once incorporated into the final order, or fails to make the corrective measures to obtain compliance as represented, this agreement is null and void, and EPA may pursue any applicable enforcement options.

The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this agreement and to bind Respondent to the terms and conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final consent order.

Each party shall bear its own costs and attorneys fees in connection with this matter.

This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION VIII,
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By: (b) (6)
Connally Mears, Director
Technical Enforcement Program

Davison County Office, Respondent.

By: (b) (6)

Name: (b) (6)
Title: Davison County Commission
Chairman

(b) (6)

RECEIVED

NOV 20 2002

Office of Enforcement
Compliance & Environmental
Justice

List of SPCC Violations

SPCC Plan [40 C.F.R. § 112.3]:

Failure to prepare a facility SPCC Plan in accordance with 40 C.F.R. § 112.7.

Failure to implement a facility SPCC Plan in accordance with 40 C.F.R. § 112.7.

Some of the specific violations at the Davison County Highway Department are:

Storage tank inspections not frequent, scheduled, or in accordance with written procedures as required by 40 C.F.R. § 112.7(e)(7)(vi).

Storage tanks are not fail-safe engineered to prevent overfilling in violation of 40 C.F.R. § 112.7(e)(2)(viii).

Not known if buried piping is protected against corrosion in violation of 40 C.F.R. § 112.7(e)(3)(i).

Lacks schedules for inspections of above ground valves and piping in violation of 40 C.F.R. § 112.7(e)(3)(iv).

No secondary containment for truck loading/unloading areas in violation of 40 C.F.R. § 112.7(c) and (e)(4)(ii).

No warning/barrier systems to prevent premature vehicular departure in violation of 40 C.F.R. § 112.7(e)(4)(iii).

Lacks procedures for inspections and for maintaining inspection records for three years in violation of 40 C.F.R. § 112.7(e)(8).

Facility in not fenced in violation of 40 C.F.R. § 112.7(e)(9)(i).

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT/FINAL ORDER** in the matter of **DAVISON COUNTY OFFICE, DOCKET NO.: CWA-08-2003-0009** was filed with the Regional Hearing Clerk on November 21, 2002.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Michael Risner Enforcement Attorney, U.S. EPA - Region VIII, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt to:

Carol Millan
Davison County Commission
200 East 4th Avenue
Mitchell, SD 57301-2631

and

Commander
Finance Center (OGR)
U.S. Coast Guard
1430 A Kristina Way
Chesapeake, VA 23326

November 21, 2002

(b) (6)

Tina Artemis
Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET - SUITE 300

DENVER, CO 80202-2466

<http://www.epa.gov/region08>

8ENF-T

OCT 21 2002

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Gary Butterfield
Davison County Office
200 East 4th Avenue
Mitchell, SD 57301

Re: Expedited Consent Agreement
SPCC # S01033
Davison County Highway Department
1224 West 5th Ave.
Mitchell, SD

Dear Mr. Butterfield:

To reduce the likelihood for the discharge of oil or hazardous substances to navigable waters of the United States, the Clean Water Act (CWA) provides for the issuance of regulations establishing procedures, methods, equipment and other requirements to prevent discharges of oil from vessels and from onshore and offshore facilities, and to contain such discharges. Pursuant to Section 311(j) of the CWA, the United States Environmental Protection Agency (EPA) issued the Spill Prevention Control and Countermeasures Plan (SPCC) regulations, published in 40 CFR Part 112, which require facilities that drill, produce, gather, store, process, refine, transfer, distribute or consume oil or oil products to prepare and implement an SPCC Plan. The United States Environmental Protection Agency (EPA) is authorized by Congress to assess penalties against a company or person for violations of any of these requirements.

On September 19, 2001, representatives of the EPA inspected Davison County Highway Department, and found it does not comply with the requirements of 40 CFR 112.7. Revised SPCC regulations were published in the Federal Register on July 17, 2002 (copy enclosed with a matrix correlating the old regulations with the revised regulations). If you have prepared an SPCC Plan prior to receipt of this letter, then you must send a copy of your Plan for review. Any deficiencies can be corrected during amendment of your Plan to comply with the revised regulations; a copy of the revised Plan then must be sent to the person below for review. However, if you still have no SPCC Plan, then you must prepare an SPCC Plan in accordance with the new requirements and implement it within thirty (30) days of receipt of this letter. The SPCC Plan would also have to be submitted to the person below for review. EPA Region 8 encourages consideration of an expedited settlement which quickly concludes the matter. To qualify for this expedited settlement, you must correct the specific violations identified on the



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enclosed List of SPCC Violations within thirty (30) days of receipt of this letter. EPA, at its discretion, may grant one 30-day extension to come into compliance if you demonstrate that it is technically infeasible or impractical to achieve compliance within 30 days. A request for a 30-day extension should be sent to the OPA Compliance Coordinator at the address below. In return, EPA is willing to accept a civil penalty of \$2,400.00, which is much lower than the amount authorized by Congress and that EPA will seek if we were to instead proceed to file a complaint.

If you are interested in this expedited settlement, please review the enclosed Expedited Consent Agreement carefully and sign where indicated. Return the signed Agreement along with your payment, in the form of a cashier's or certified check for the full penalty amount, payable to "Oil Spill Liability Trust Fund", via certified mail, return receipt requested, within 30 days of receipt of this letter to:

Jane Nakad
Technical Enforcement Program (8ENF-T)
USEPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

The Agreement will then be signed by an EPA official and sent to the Regional Judicial Officer for approval. A copy of the executed Expedited Consent Agreement, with the docket number, will be returned to you for your records. Your cashier's check will be forwarded to the appropriate office for processing the payment after the Expedited Consent Agreement has been executed.

If you choose not to enter into this expedited settlement agreement and wish to contest that the violations occurred, or that it is a violation of federal law, you will have every opportunity to do so after EPA files a complaint proposing to assess a civil penalty. You are entitled to a hearing before a judicial officer. The process for administrative penalty cases is found in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 CFR part 22, a copy of which is enclosed for your use. However, by entering into this settlement agreement you would waive your right to a hearing before any civil tribunal and to contest any issue of law or fact set forth in this agreement.

A Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet, *U.S. EPA Small Businesses Resources*, containing information on compliance assistance resources and tools available to small businesses, is enclosed with this letter. SBREFA does not eliminate your responsibility to comply with the Act or respond to this information request, nor does it create any new rights or defenses under law.

If you do not return the signed agreement within 30 days, EPA will file its enforcement action, seeking a penalty up to the statutory maximum of \$27,500 per day of violation and correction of the violation.

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL USE	
Postage \$	OCT 21 2002 Postmark: Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To <u>Gary Butterfield Davison Cnty</u> Street, Apt. No., or PO Box No. <u>200 E. 4th Ave</u> City, State, ZIP+4 <u>Mitchell, SD 57301</u>	
PS Form 3800, April 2002 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		(b) (6) <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Gary Butterfield Davison County Office 200 East 4th Ave. Mitchell, SD 57301 OCT 22 2002 BENF-T		B. Received by (Printed Name) <u>Dawn Grissom</u> C. Date of Delivery <u>10-28-02</u> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		7002 0860 0005 3834 7487	
PS Form 3811, August 2001		Domestic Return Receipt 102595-01-M-2509	

Jane Nakad of my staff can assist you with any questions regarding this Expedited Consent Agreement or achieving compliance; she may be reached at (303) 312-6202.

Sincerely,

(b) (6)

for Connally Mears, Director
Technical Enforcement Program

Enclosures

cc: Doug Miller, South Dakota Department of Environment and Natural Resources

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

(b) (5)

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CONCURRENCE FOR EXPEDITED CONSENT AGREEMENT

SPCC #: S01033

Company Name: Davison County Office

Facility/Site: Davison County Highway Department
1224 West 5th Ave.
Mitchell, SD 57301

Violations: CWA Section 311(j)

	Sign	Date
J. Nakad (8ENF-T)	(b) (6)	7/18/02
C. Mears (8ENF-T)	(b) (6)	10/9/02
	(b) (6)	10/21/02

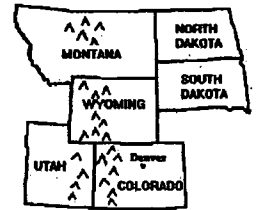
Date Mailed: _____

Comments: _____

RECORD OF COMMUNICATION		<input checked="" type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY)	
		(Record of item checked above)	
TO: Davison only Alan Miller (605)	FROM: 995-8640	DATE: 11/19/02	TIME: 2:08
SUBJECT: 501033			
SUMMARY OF COMMUNICATION <p>Will send agreement + check</p> <p>They are going to discontinue use of the tanks.</p> <p>I told him to send a letter with pictures of the disconnected tanks and to follow the info in the regs on cleaning + etc.</p> <p>Try to get it done in - 30 days</p>			
CONCLUSIONS, ACTION TAKEN OR REQUIRED			
INFORMATION COPIES TO:			



(b) (7)(E)



[Redacted Form Content]



(b) (7)(E) [REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
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	[REDACTED]	[REDACTED]

(b) (7)(E)

[illegible][illegible][illegible]

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93. [REDACTED]

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98. [REDACTED]

99. [REDACTED]

100. [REDACTED]

(b) (7)(E)

\$

**Spill Prevention, Control
and Countermeasures Inspection**

S01033

**Davison County Highway Department
1224 West 5th Avenue
Mitchell,
Davison County, South Dakota**

September 19, 2001

**TDD #0009-0036
SPCC Inspections/Reviews**

**Submitted to:
Martha Wolf
U.S. Environmental Protection Agency, Region VIII**

**Prepared by:
Bob Litchford**

GENERAL INFORMATION

Send Correspondence to:
(check where applicable)

- ☐ Facility Name/Location: Davison County Highway Department
1224 West 5th Avenue
Mitchell, South Dakota 57301
Phone: 605-995-8625
- ☒ Facility Contact: Duane Zard
Superintendent
- ☒ Owner/Operator: Davison County Highway Department
1224 West 5th Avenue
Mitchell, South Dakota 57301
- ☐ Other _____

SPCC Inspection Date: September 19, 2001
SPCC Number: S01033

Inspector:

(b) (6)

Bob Litchford

SPCC Applicability:

The facility is the Davison County Highway Department office and equipment shop. Fuel for highway maintenance equipment is stored in three aboveground tanks with an aggregate capacity of 22,500 gallons of gasoline and diesel.

A discharge that escaped the facility could reasonably be expected to reach Dry Run, a stream located 1,500 feet to the south.

COMPLIANCE STATUS SUMMARY

Facility in Compliance:

☒ No

☐ Yes

After review, the facility SPCC Plan was found to be deficient in the following area(s):

- No SPCC Plan.

After inspection, the SPCC Measures were found to be deficient in the following areas:

- Storage tank inspections not frequent, scheduled, or in accordance with written procedures [112.7(e)(2)(vi)].
- Storage tanks are not fail-safe engineered to prevent overfilling [112.7(e)(2)(viii)].
- Not known if buried piping is protected against corrosion [112.7(e)(3)(i)].
- Aboveground valve and piping inspections not regularly scheduled or in accordance with written procedures [112.7(e)(3)(iv)].
- No secondary containment for tank truck loading/unloading area [112.7(e)(4)(ii)].
- No warning sign, barrier, or other system to prevent premature departure of tank trucks prior to disconnect of transfer hose [112.7(e)(4)(iii)].
- No written inspection procedures for required inspections; no records of inspections [112.7(e)(8)].
- No facility fencing [112.7(e)(9)(i)].



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

Compliance Inspection Report

SPCC # 501033 Inspection Type: Unannounced Inspection Date: 9-19-01

Inspector(s): Bob Litchford

Name of waterway that could be impacted: Dry Run Creek

Distance & Direction to waterway: 1,500' South

On-Scene Contact: Russell Weinberg Phone: _____

Facility Contact Duane Zard, Superintendent Phone: 605-995-8625

Facility Name Davison County Highway Dept.

Location 1224 W. 5th Avenue 43° 42.812' N - 98° 02.576' W

Mailing Address same

City, State Zip Mitchell, S.D. 57301

Owner Contact _____

Owner Name Davison County, S.D.

Mailing Address same as above

City, State Zip _____

Business Name: N.A.

Business Contact: _____

Mailing Address _____

City, State Zip _____

# of Tanks	Capacity	Material Stored
<u>3</u>	<u>22,500 gallons</u>	<u>Gasoline diesel</u>

Violations, TITLE 40, CFR Part 112:

☐ None

☒ Failure to prepare a written Spill Prevention Control and Countermeasures (SPCC) Plan for the facility in accordance with the guidelines for plan preparation at 40 CFR 112.7, as required by 40 CFR 112.3(a);

☐ Failure to have a registered Professional Engineer certify that the SPCC Plan had been prepared in accordance with good engineering practices, as required by 40 CFR 112.3(d);



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14
85
22,500

- ☐ Failure to implement the SPCC Plan as required by 40 CFR 112.3(a) in accordance with the guidelines for plan implementation at 40 CFR 112.7;
- ☐ Failure to maintain the SPCC plan at the facility and have it made available for on-site review during normal working hours, as required by 40 CFR 112.3(e);
- ☐ Failure to amend the SPCC Plan after a spill as required by 40 CFR 112.4;
- ☐ Failure to implement SPCC Plan amendment after a spill as required by 40 CFR 112.4;
- ☐ Failure to amend the SPCC Plan after a change in facility design as required by 40 CFR 112.5(a);
- ☐ Failure to review the SPCC Plan every three (3) years as required by 40 CFR 112.5(b);
- ☐ Failure to amend the SPCC Plan after review as required by 40 CFR 112.5(b);
- ☐ Failure to have the SPCC Plan amendment certified and implemented as required by 40 CFR 112.5(c);
- ☐ Technical violations (40 CFR 112.7):
 - ☐ SPCC inadequate (see SPCC plan review)
 - ☐ No or inadequate secondary containment
 - ☐ Facility drainage: _____
 - ☒ Storage Tanks: Occasional visual inspections, not scheduled, no procedure. Tanks gauged by sticking, not fail-safe engineered.
 - ☒ Facility Transfer Operations: No evident corrosion protection for buried piping, facility contact did not know if provided; inspection of aboveground valves and piping unscheduled, no procedures for inspection.
 - ☒ Facility Loading/Unloading Operations: No secondary containment for loading/unloading area. No warning sign, barrier or other system to prevent premature departure of tank trucks prior to disconnect of transfer hoses.
 - ☒ Inspections/recordkeeping: No written inspection procedures, no records of inspections
 - ☒ Site Security: Not fenced.
 - ☒ Other: Excessive vegetation inside tank containment areas.

I acknowledge that an SPCC inspection of this facility was conducted on the 19th day of September, 1999 2001

(b) (6)

Facility Representative Signature

(b) (6)

Inspector Signature



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 600
DENVER, COLORADO 80202-2466

SPCC Plan Review - Non-Production

Facility Name: *Dawson County Highway Dept.*

SPCC # *501033*

Review by: *Bob Litchford*

Date: *9-19-01*

Indicate whether item is adequately addressed (+), inadequately addressed (-), not addressed (0), or is not applicable (NA). *- No SPCC Plan -*

- | | |
|--|--|
| <input type="checkbox"/> Management Approval [112.7] | <input type="checkbox"/> Effluent discharge adequately monitored (ix) |
| <input type="checkbox"/> PE Certification [112.3(d)] | <input type="checkbox"/> Oil leaks promptly corrected (x) |
| <input type="checkbox"/> SPCC Amended as necessary [(112.5(a))] | <input type="checkbox"/> Mobile and portable oil storage tanks (xi) |
| <input type="checkbox"/> SPCC Plan Reviewed every three years [(112.5(b))] | <input type="checkbox"/> 112.7 (e) (3) (Facility Transfer Operations) |
| <input type="checkbox"/> 112.7 (General Requirements) | <input type="checkbox"/> Buried pipe wrapping/coating/cathodic protection and inspected whenever exposed (i) |
| <input type="checkbox"/> Spill History (a) | <input type="checkbox"/> Out-of-service pipes capped/blank-flanged (ii) |
| <input type="checkbox"/> Spill Prediction (b) | <input type="checkbox"/> Pipe supports as needed/properly designed (iii) |
| <input type="checkbox"/> Secondary Containment (c) | <input type="checkbox"/> Inspection of aboveground valves and piping/pressure testing if warranted (iv) |
| <input type="checkbox"/> Contingency Plan (d) | <input type="checkbox"/> Warning to trucks of exposed piping (v) |
| <input type="checkbox"/> Authorities/responsibilities/duties | <input type="checkbox"/> 112.7 (e) (4) (Facility Loading/Unloading Operations) |
| <input type="checkbox"/> Notification procedures | <input type="checkbox"/> DOT procedures (i) |
| <input type="checkbox"/> Response capabilities | <input type="checkbox"/> Adequate secondary containment of loading/unloading areas (ii) |
| <input type="checkbox"/> Action Plan | <input type="checkbox"/> Warning/barrier systems (iii) |
| <input type="checkbox"/> 112.7 (e) (1) (Facility Drainage) | <input type="checkbox"/> Bottom drains of vehicles examined (iv) |
| <input type="checkbox"/> Drainage from the diked areas (i) | <input type="checkbox"/> 112.7 (e) (8) (Inspections and Records) |
| <input type="checkbox"/> Dike drainage valves - manual open/closed design (ii) | <input type="checkbox"/> Written inspection procedures |
| <input type="checkbox"/> Drainage system for the undiked areas (iii) | <input type="checkbox"/> Inspection records kept at least three years |
| <input type="checkbox"/> Return system, if necessary (iv) | <input type="checkbox"/> 112.7 (e) (9) (Security) |
| <input type="checkbox"/> Lift stations used as necessary (v) | <input type="checkbox"/> Fully fenced; gates locked/guarded (i) |
| <input type="checkbox"/> 112.7 (e) (2) (Bulk Storage Tanks) | <input type="checkbox"/> Tank master flow/drain valves closed and locked (ii) |
| <input type="checkbox"/> Tanks compatible with the material stored (i) | <input type="checkbox"/> Starter controls locked in the off position (iii) |
| <input type="checkbox"/> Tanks have adequate secondary containment (ii) | <input type="checkbox"/> Pipelines drained/blank-flanged when not in use (iv) |
| <input type="checkbox"/> Storm water drainage (iii) | <input type="checkbox"/> Adequate lighting (v) |
| <input type="checkbox"/> Buried tanks corrosion protection (iv) | <input type="checkbox"/> 112.7 (e) (10) (Personnel Training) |
| <input type="checkbox"/> Partly buried tanks corrosion protection (v) | <input type="checkbox"/> Personnel properly instructed (i) |
| <input type="checkbox"/> Integrity testing/frequent observation (vi) | <input type="checkbox"/> Designated individual for spill prevention (ii) |
| <input type="checkbox"/> Internal heating coils (vii) | <input type="checkbox"/> Spill prevention briefings (iii) |
| <input type="checkbox"/> Fail-safe engineered or updated (viii) | |
| <input type="checkbox"/> High level alarms (A) | |
| <input type="checkbox"/> High level pump cut-offs (B) | |
| <input type="checkbox"/> Audible or code warning (C) | |
| <input type="checkbox"/> Liquid level sensing devices (D) | |
| <input type="checkbox"/> Level sensing devices tested regularly (E) | |

112.20 Substantial Harm
☐ Self Determination Criteria



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500

DENVER, COLORADO 80202-2488

SPCC Inspection - Non-Production

Facility Name: *Davison County Highway Dept.*

501033

Inspection by: *Bob Litchford*

Date: *9-19-01*

Indicate whether item is adequately addressed (+), inadequately addressed (-), not addressed (O), or is not applicable (NA).

O SPCC Plan Fully Implemented [112.3(a)] *No Plan*

112.7 [General Requirements]

112.7(e)(1) [Facility Drainage]

NA Drainage from the diked areas (i)

NA Dike drainage valves - manual open/closed designed (ii) *none*

NA Drainage system for the undiked areas (iii)

NA Return system, if necessary (iv)

NA Lift stations used as necessary (v)

112.7(e)(2) [Bulk Storage Tanks]

+ Tanks compatible with the material stored (i)

+ Tanks have adequate secondary containment (ii)

NA Storm water drainage (iii) *soaks in*

NA Buried tanks corrosion protection (iv)

NA Partially buried tanks protected against corrosion (v)

- Integrity testing (vi) *occasional visual insp. no schedule or procedure*

NA Internal coils (vii)

- Fail-safe engineered or updated (viii)

- High level alarms (A)

- High level pump cut-offs (B)

- Audible or code warning (C)

- Liquid level sensing device (D)

- Level sensing devices tested regularly (E)

+ *Stick tanks w/ rod*

NA Plant effluent discharges into navigable waters (ix)

+ Oil leaks promptly corrected (x) *none visible*

NA Mobile and portable oil storage tanks (xi)

112.7(e)(3) [Facility Transfer Operations]

O *may have cathodic protection, unsure.*
Buried pipes protective wrapping/coating/cathodically protect

Inspected when exposed (i) *unknown*
NA *no evident corrosion protection*
Out of service pipes capped/blank-flanged (ii)

+ Aboveground pipe supports (iii)

- Testing/inspection aboveground valves and pipelines (iv)

NA Warned for trucks of pipes (v)

112.7(e)(4) [Facility Loading/Unloading Operations]

- DOT procedures (i)

O Adequate secondary containment of loading/unloading area

O Warning/barrier systems (iii)

- Bottom drains of vehicles examined (iv)

112.7(e)(8) [Inspections and Record]

O Written procedures

O Kept at least three years

112.7(e)(9) [Security]

O Fencing (i)

+ Master flow/drain valves locked in the closed position (ii)

NA Starter controls locked in the off position (iii)

NA Pipelines not in use drained and blank-flanged (iv)

+ Adequate lighting (v)

112.7(e)(10) [Personnel Training]

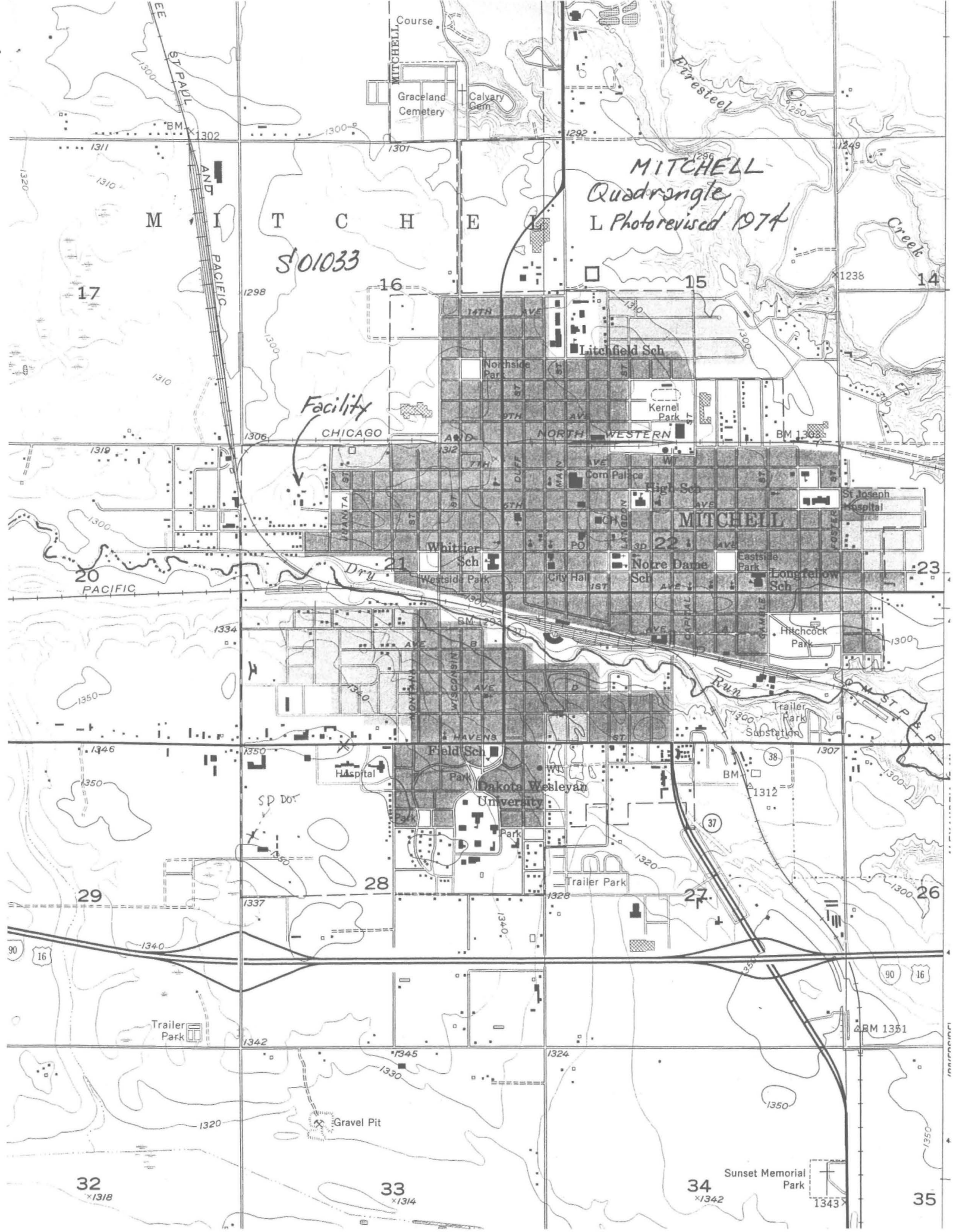
+ Personnel properly instructed

+ Spill prevention briefings

*Photo 1 Storage tanks looking north.
2 Veg inside sec. containment
3 Unloading area looking south*



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Mitchell
Quadrangle
L Photorevised 1974

S01033

Facility

SP DOT

32
x1318

33
x1314

34
x1342

35



Photo #1. View to the north of the facility oil storage tanks. The piping connections for tank trucks unloading at the facility are located between the yellow bollards. There is no secondary containment for tank truck transfers, and the facility is unfenced.



Photo #2. The tank containment areas are bermed and are partially below grade. The tanks lack fail-safe devices to prevent overfilling. Fuel is dispensed via buried piping. Facility personnel did not know if the piping is protected from corrosion.

Site Information for Davison County Office (07-802-8636)

Business Name:	Davison County Office
Tradestyle:	
Second Tradestyle:	
D&B D-U-N-S Number:	07-802-8636
Location Type:	SINGLE
Primary SIC Code:	91210203
Primary SIC Description:	COUNTY COMMISSIONER
Physical Street Address:	200 E 4th Ave
Second Address Line:	
Physical City:	Mitchell
State / Province Name:	South Dakota
Physical State / Province Abbreviation:	SD
Physical Zip / Postal Code:	57301
County Name:	DAVISON
Country Name:	USA
Mail Address:	200 E 4th Ave
Second Mail Address Line:	
Mail City:	Mitchell
Mail State / Province:	SD
Mail Zip / Postal Code:	573012631
Telephone Number:	6059962474
Fax Number:	
Employees Here:	90
Employees Total:	90
Sales Volume:	\$0.00
Percent Growth Employees (3yr) with sign:	0%
Percent Growth Sales (3yr) with sign:	0%
Latitude with sign:	43.7125
Longitude with sign:	-98.024
Public/Private Indicator:	PRIVATE COMPANY
Square Footage:	0
CEO Full Name:	Gary Butterfield
CEO Title:	Chairman of the Board
Global Ultimate D&B D-U-N-S Number:	07-802-8636
Global Ultimate D&B Business Name:	
Domestic Ultimate D&B D-U-N-S Number:	07-802-8636
Domestic Ultimate D&B Business Name:	
Parent D&B D-U-N-S Number:	
Headquarters D&B D-U-N-S Number:	
Parent/HQ Name:	
Parent/HQ State / Province:	
Number of Family Members:	0

Contact Details for Davison County Office (07-802-8636)

[Site Details](#) [Family Tree](#) [Back to Family View](#) [Back to Global View](#)

Full Name	Gender	CEO Indicator	Title	MRC Code
Gary Butterfield	M	C	Chairman of the Board	Chairman of the Board A1A4
Carol Millan	F	D	Vice-Chairman	Vice-Chairman A1A5
Jerry Fischer	M	D	Commisioner	Commisioner K952
Bernie Shumucker	M	D	Commisioner	Commisioner K952
Richard Ziegler	M	D	Commisioner	Commisioner K952
Carol Millan	F	D	Vice-Chairman	Vice-Chairman A1A5
Jerry Fischer	M	D	Commisioner	Commisioner K952
Bernie Shumucker	M	D	Commisioner	Commisioner K952
Richard Ziegler	M	D	Commisioner	Commisioner K952

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